

FILED
Court of Appeals
Division II
State of Washington
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No. 56417-3-II

COURT OF APPEALS
DIVISION II
OF THE STATE OF WASHINGTON

JUDITH ZIMMERLY, JERRY NUTTER, and NUTTER
CORPORATION,

Petitioners-Appellants,

vs.

COLUMBIA RIVER GORGE COMMISSION, CLARK
COUNTY, FRIENDS OF THE COLUMBIA GORGE, JODY
AKERS, PAUL AKERS, DANNY GAUDREN, KATHEE
GAUDREN, RACHEL GRICE, ZACHARY GRICE, GREG
MISARTI, EDMOND MURRELL, KIMBERLY MURRELL,
RICHARD J. ROSS, KAREN STREETER, SEAN
STREETER, and ELEANOR WARREN,

Respondents-Appellees.

NUTTER'S STATEMENT OF ADDITIONAL
AUTHORITIES

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Petitioners Jerry Nutter and Nutter Corporation (collectively, “Nutter”) respectfully file this Statement of Additional Authorities pursuant to RAP 10.8.

The Washington Supreme Court’s analysis in *Quadrant Corp. v. Hearings Bd.*, 154 Wn.2d 224, 110 P.3d 1132 (2005) is relevant to the arguments in Nutter’s Reply Brief filed on 8/15/2022, as indicated in the following table:

| <i>Quadrant Corp.</i> page | Issue | Nutter Reply page(s) |
|---------------------------------------|--|---------------------------------|
| 236 | preservation of local authority | 4 |
| 238 | standard of review and deference to the Examiner | 7-11 and 17 |
| 241 | vested rights | 4 and 23 n. 8 |

In addition, the bold text of the quoted section of the Growth Management Act be;pw is relevant to Issue C.1, specifically pages 26-28, of Nutter’s Reply Brief.

Any county or city that is required to conform with all the requirements of this chapter, as a result of the county legislative authority adopting its resolution of intention under subsection (2) of this section,

shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a countywide planning policy under RCW 36.70A.210; (b) the county and each city that is located within the county shall adopt development regulations conserving agricultural lands, forestlands, and mineral resource lands it designated under RCW 36.70A.060 within one year of the date the county legislative authority adopts its resolution of intention; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city that is located within the county shall adopt a comprehensive plan and **development regulations that are consistent with and implement the comprehensive plan** not later than four years from the date the county legislative authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

RCW 36.70A.040(4) (emphasis added).

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Respectfully submitted this 19th day of August 2022.

SCHWABE, WILLIAMSON & WYATT, P.C.

By: *s/ Maren L. Calvert*

Maren L. Calvert, WSBA #53940

Email: mcalvert@schwabe.com

*Attorneys for Jerry Nutter and Nutter
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CERTIFICATE OF SERVICE

I hereby certify that on August 19th, 2022, I electronically filed the foregoing document with the Clerk of the Court using the Court's EM/ECF System, causing notice of filing to be served upon all counsel of record, and vial electronic mail on:

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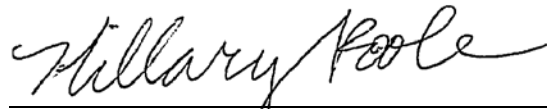
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Eleanor Warren.*

*I declare under penalty of perjury under the laws of the
State of Washington that the foregoing is true and correct.*

A handwritten signature in cursive script, reading "Hillary Poole". The signature is written in black ink and is positioned above a horizontal line.

Hillary Poole, Legal Assistant

SCHWABE WILLIAMSON & WYATT, P.C.

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Comments:

Nutter's Statement of Additional Authorities

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